



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

To: Monroe County Planning Commission  
Through: Townsley Schwab, Sr. Acting Director of Planning & Environmental Resources *TS*  
From: Barbara Bauman, Sr. Planning Technician  
Date: September 19, 2008  
Subject: *Request for a Sign Variance*  
*Ireland Waldorf property, 99615 Overseas Highway, Key Largo, Mile Marker 99,*  
*Real Estate No. 00453440.000100*

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**Meeting: October 8, 2008**

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1 I REQUEST:

2  
3 A. Proposal: The applicant is requesting a sign variance in order to maintain its two (2)  
4 ground-mounted signs along the frontage on the Overseas Highway (US 1). The variance  
5 would allow the property owner to change the copy of an existing ground-mounted sign,  
6 which is nonconforming in that it is a second ground-mounted sign along the highway  
7 frontage.

8  
9 B. Location:

10 Address: 99615 Overseas Highway, Key Largo, Mile Marker 99 (oceanside)  
11 Legal Description: Part Tract E, Port Largo (PB5-3)  
12 Real Estate (RE) Number: 00453440.000100  
13

14 C. Applicant:

15 Property Owner: Ireland Waldorf LTD  
16 Agent: Pete Bacheler, Hershoff, Lupino & Yagel Law Office  
17

18 II PRIOR COUNTY ACTIONS:

19 None.  
20  
21

22 III BACKGROUND INFORMATION:

- 23  
24 A. Size of Site: approximately 5 acres  
25 B. Land Use District: Urban Commercial (UC)  
26 C. Future Land Use Map (FLUM) Designation: Mixed Use / Commercial (MC)  
27 D. Tier Designation: Tier 3  
28 E. Existing Use: Commercial Retail

- 1 F. Existing Vegetation / Habitat: Developed  
2 G. Community Character of Immediate Vicinity: Mixed Use (Commercial Retail, Office,  
3 Service Station, Restaurant and Community Park)  
4 H. Flood Zone: X  
5

6 **IV REVIEW OF APPLICATION:**  
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8 As set forth in MCC §9.5-404(c)(1)(a), one (1) illuminated, ground-mounted sign of a  
9 height not more than 24 feet shall be allowed for each non-residential frontage.  
10

11 The subject property is situated on the corner of US 1 and Laguna Avenue in Key Largo.  
12 According to the Monroe County GIS database, the parcel has 430 feet of linear frontage  
13 along US 1 and 388 feet of linear frontage along Laguna Avenue.  
14

15 There are currently two (2) ground-mounted signs along the US 1 frontage. The primary  
16 sign, considered conforming, is located in the center of the property's frontage along US 1.  
17 The secondary sign, considered nonconforming and the subject of this variance request, is  
18 located at the southern end of the property's frontage along US 1. Since only one (1)  
19 ground-mounted sign is permitted along a single frontage, the second sign is considered  
20 nonconforming.  
21

22 Several building permits for sign improvements on the property were found in the Monroe  
23 County Building Department's archived records dating back to 1963. However, based on  
24 the limited information the archived files, staff could not determine if the second sign was  
25 ever permitted. In any event, the sign became nonconforming in 1986 as a result of the  
26 adoption of new land development regulations. Although staff did not locate a building  
27 permit authorizing the construction of the nonconforming sign, based on a review of the  
28 records, staff has determined that the sign was constructed prior to 1986 and is deemed to  
29 be lawfully-established.  
30

31 The applicant is requesting that the property owner be allowed to maintain the  
32 nonconforming sign and change its face and copy to advertise the new businesses on site.  
33

34 Pursuant to MCC §9.5-407(a), changes of copy to a lawfully-established, nonconforming  
35 ground-mounted sign may only be performed provided that a permit is obtained and  
36 provided that the name of the businesses or establishments depicted by the sign are not  
37 changed. Changes of copy involving the name of the businesses or establishments  
38 depicted by the sign shall only be performed if the sign is brought into compliance or if a  
39 variance is obtained in accordance with MCC §9.5-406.  
40

41 Therefore, a variance is necessary in order to allow the property owner to keep the  
42 nonconforming sign and change its copy. A variance would allow the change of copy as  
43 well as structural improvements to the structure.  
44  
45

1 *Pursuant to MCC §9.5-406, the Planning Commission may grant a variance if the*  
2 *applicant demonstrates that all of the following standards are met:*  
3

- 4 A. *The literal interpretation and strict application of the provision and requirements of this*  
5 *division would cause undue and unnecessary hardship to the sign owner because of*  
6 *unique or unusual conditions pertaining to the specific building or parcel or property in*  
7 *question:*  
8

9 The property is unique in that it has 430 feet of linear frontage along US 1 and is  
10 approximately five acres, larger than average amounts of frontage and land area for the  
11 immediate vicinity. In addition, to the south of the property is an out parcel, where a  
12 Hess service station is situated. Due to the location of the shopping center (setback  
13 approximately 200 feet from US 1) and the service station's convenience store/fueling  
14 canopy (setback approximately 100 feet and 30 feet from US 1 respectively), the view of  
15 the tenants directly behind the convenience store and canopy is partially blocked.  
16 According to the applicant, the second ground-mounted sign will allow those tenants to  
17 have US 1 signage, a benefit for motoring public to locate those businesses. The blocking  
18 of the businesses by the service station does demonstrate an unnecessary hardship and  
19 unique conditions pertaining to the site. Therefore, the literal interpretation and strict  
20 application of the provision and requirements would cause undue and unnecessary  
21 hardship to the sign owner because of unique or unusual conditions pertaining to the  
22 specific building or parcel or property in question.  
23

- 24 B. *The granting of the requested variance would not be materially detrimental to the*  
25 *property owners in the vicinity:*  
26

27 The second ground-mounted sign currently exists and changing the sign face would have  
28 little visual impact to the surrounding area. Therefore, the granting of the variance would  
29 not be materially detrimental to the property owners in the vicinity.  
30

- 31 C. *The unusual conditions applying to the specific property do not apply generally to other*  
32 *properties in the county:*  
33

34 The property has a shopping center with several tenants. The property owner recently  
35 reduced the primary sign's height in order to bring that sign into compliance. As a result,  
36 the sign was limited to displaying only the tenants on the northern portion of the property.  
37 The tenants on the southern portion do not have ground-mounted signage visible from US  
38 1. Therefore, there are unusual conditions applying to the specific property that do not  
39 apply generally to other properties in the county.  
40

- 41 D. *The granting of the variance will not be contrary to the general objective of this division*  
42 *of moderating the size, number and obtrusive placement of signs and the reduction of*  
43 *clutter:*  
44

45 The property is unique in that it has 430 feet of linear frontage along US 1 and is  
46 approximately five acres, larger than average amounts of frontage and land area for the

1 immediate vicinity. Therefore, the granting of the variance will not be contrary to the  
2 general objective of this division of moderating the size, number and obtrusive placement  
3 of signs and the reduction of clutter.  
4

5 E. *The variance is not requested on the basis of economic hardship of the sign user:*  
6

7 The variance is not requested on the basis of economic hardship of the sign user.  
8

9 V RECOMMENDATION:  
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11 Staff recommends APPROVAL to the Planning Commission for a sign variance with the  
12 following conditions:  
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- 14 A. Prior to the issuance of the resolution by the Planning Commission, the applicant will  
15 submit the details of sign, including the dimensional measurements of sign area (length,  
16 width and height), the total height of structure and all text and images to be shown on  
17 sign.  
18
- 19 B. There shall be no duplicative business signage. This variance is to allow signage that  
20 could not be accommodated on the primary ground-mounted sign; therefore, signage for  
21 a specific business shall be located on only one of the ground-mounted signs not both.  
22
- 23 C. The two (2) ground-mounted signs shall be visually and architecturally consistent with  
24 one another as determined by the Director of Planning & Environmental Resources.  
25
- 26 D. The applicant shall apply for and receive building permits for all new sign faces and  
27 changes of copy.